

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

MIKELL P. SMITH,)	
)	
Plaintiff,)	
)	
vs.)	NO. CIV-04-1701-HE
)	
RON WARD, et al.,)	
)	
Defendants.)	

ORDER

This case is before the court on the Report and Recommendation of Magistrate Judge Robert E. Bacharach. [Doc. #92]. Plaintiff, a state prisoner appearing pro se, has filed a motion to dismiss this civil rights action without prejudice. Judge Bacharach recommends that plaintiff's motion to dismiss be granted.¹


Defendants have not filed an objection to the Report and Recommendation. Therefore, further review of the issues contained therein is waived. United States v. One Parcel of Real Prop., 73 F.3d 1057, 1059-60 (10th Cir. 1996). See 28 U.S.C. § 636(b)(1)(c); LCvR72.1(a). For this reason, and for the reasons contained in the Report and Recommendation, the court concludes plaintiff's motion to dismiss should be granted.

Accordingly, the Report and Recommendation is **ADOPTED** in its entirety. Plaintiff's motion to dismiss [Doc. #91] is **GRANTED** and this case is **DISMISSED** without prejudice.

¹*Consistent with 28 U.S.C. §636(b)(1)(B), the matter was referred to Judge Bacharach for review.*

IT IS SO ORDERED.

Dated this 6th day of June, 2006.



JOE HEATON
UNITED STATES DISTRICT JUDGE